

**GERALDINE PAYNE JONES, ET AL**

**TO:**

**WARRANTY DEED**

**BWG DEVELOPMENT, LLC**

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, We, **GERALDINE PAYNE JONES, MINOR PAYNE, BERTHA PAYNE TAYLOR, STANLEY PAYNE, JAMES BRYAN BROWN, SHERVIN UNdra FITZGERALD, being one and the same person as Shevin Undra Fitzgerald, and GARRY PEREZ FITZGERALD, being one and the same person as Gary Peraz Fitzgerald, by and through his Attorney in Fact, Shervin Undra Fitzgerald, do hereby sell, convey and warrant unto, BWG DEVELOPMENT, LLC, the land lying and being situated in DeSoto County, Mississippi described as follows, to-wit:**

Please refer to Exhibit "A" for complete legal description of property.

By way of explanation, the property described herein was owned by Andrew Payne, Jr. by virtue of deeds recorded in Book 28, Page 533 and Book 38, Page 608, Land Deed Records, DeSoto County, Mississippi. Andrew Payne, Jr. died intestate on October 20, 1982. His estate was administered in Cause No. 82-12-724. His heirs at the time of his death as per the Final Decree were his widow, Doris Payne, and his children, namely Minor Payne, Bertha Payne, Jerry Payne, Geraldine Payne, Stanley Payne and James Bryant Payne. The said widow, Doris Payne died intestate on April 14, 1999. Her estate was administered in Cause No. 99-12-1722 and an Order was entered determining her heirs to be Minor Payne, Bertha Payne Taylor, Geraldine Payne Jones, Stanley Payne, James Bryant Payne, being one and the same person as James Bryan Brown, Shervin Undra Fitzgerald, being one and the same person as Shevin Undra Fitzgerald and Garry Perez Fitzgerald, being one and the same person as Gary Peraz Fitzgerald, who are the heirs at law of Jerry Payne who died intestate in September of 1987.

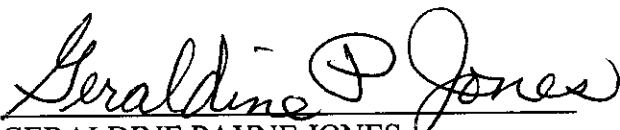
The warranty in this Deed is subject to subdivision and zoning regulations in effect in DeSoto County, Mississippi and further subject to all easements for public roads and public utilities of record and further subject to an Easement to DeSoto County, Mississippi as recorded in Book 100, Page 237 of the Land Deed Records, Chancery Clerk's Office, DeSoto County, Mississippi and further subject to Transmission Line Easements to USA as recorded in Book

215, Pages 337, 340, 343, 346, 349 and 352, and further subject to Easements to USA as recorded in Book 221, Pages 419, 421, 423, 425, and 428 and Book 222, Page 87 of the Land Deed Records, Chancery Clerk's Office, DeSoto County, Mississippi.

The above described property constitutes the homestead of no one.

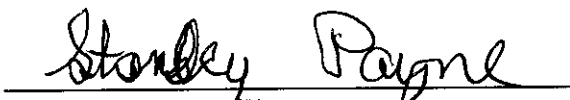
It is agreed and understood that taxes for the year 2004 shall be prorated as of the date of this instrument and shall be paid by the Grantees when and as due and possession is given upon delivery of this Deed.

WITNESS OUR SIGNATURES, this the 17 day of December, 2004.

  
GERALDINE PAYNE JONES

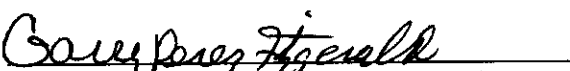
  
MINOR PAYNE

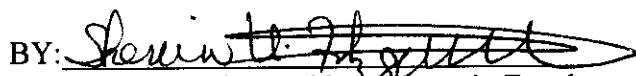
  
BERTHA PAYNE TAYLOR

  
STANLEY PAYNE

  
JAMES BRYAN BROWN

  
SHERVIN UNDRA FITZGERALD, being one and the same person as Shevin Undra Fitzgerald

  
GARRY PERAZ FITZGERALD, being one and the same person as Gary Peraz Fitzgerald

BY:   
Shervin Undra Fitzgerald, Attorney in Fact by Power of Attorney dated October 21, 2004 as recorded in Book 105, Page 623, Power of Attorney and Contract Records, Chancery Clerk's Office, DeSoto County, Mississippi

STATE OF MISSISSIPPI

COUNTY OF DESOTO

This day personally appeared before me, the undersigned authority in and for said County and State, on this 17 day of December, 2004, within my jurisdiction, the within named, GERALDINE PAYNE JONES, MINOR PAYNE, BERTHA PAYNE TAYLOR, STANLEY PAYNE, JAMES BRYAN BROWN, SHERVIN UNDRA FITZGERALD, being one and the same person as Shevin Undra Fitzgerald, who acknowledged that they executed the above and foregoing Warranty Deed.

MY COMMISSION EXPIRES:

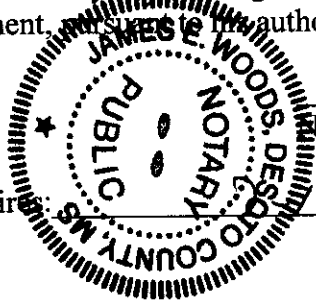


[Signature]  
NOTARY PUBLIC

STATE OF MISSISSIPPI  
COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the said county and state, on this the 17 day of December, 2004, within my jurisdiction, the within named SHERVIN UNDRA FITZGERALD as Attorney in fact for Garry Perez Fitzgerald, being one and the same person as Gary Peraz Fitzgerald, who acknowledged that he executed the above and foregoing instrument, and requested my authority to do so.

My Commission Expires:



[Signature]  
NOTARY PUBLIC

Grantor's Address:

Geraldine Payne Jones

280 S. View AveMemphis TN 38109Home Phone: 901-332-7474Work Phone: N/A

Grantee's Address:

880 TARAHERNANDO, MS 38632Phone: 901-481-8577 N/A

Minor Payne

762 WHITESBOROMemphis TN 38109Home Phone: 901-395-0905Work Phone: N/A

Bertha Payne Taylor

2623 ID AVE.MERIDIAN MS 39305Home Phone: 601-483 7904Work Phone: N/A

Stanley Payne

14676 GOODMAN RD.OLIVE BRANCH, MSHome Phone: NONEWork Phone: NONE

James Bryan Brown

4772 Chuck Ave  
Memphis TN 38118  
Home Phone: (901) 366-4624  
Work Phone: (901) 794-3800

Shervin Undra Fitzgerald

454 PLEASANT HILL RD  
NESBIT MS 38651  
Home Phone: 662 901-315-4754  
Work Phone: SAME

Garry Perez Fitzgerald

454 PLEASANT HILL RD  
NESBIT MS 38651  
Home Phone: 901-315-4754  
Work Phone: SAME

PREPARED BY AND RETURN TO::

JAMES E. WOODS

WATKINS LUDLAM WINTER & STENNIS, P.A.

P.O. BOX 1456, OLIVE BRANCH, MS 38654

(662) 895-2996

# EXHIBIT A

## TRACT 1

A legal description of a 1.36 acre, more or less, tract of land being located in the Southeast quarter of the Southwest quarter of Section 28, Township 1 South, Range 5 West, DeSoto County, Mississippi and being more particularly described as follows:

Commencing at the Southeast corner of Section 28; thence South 89 degrees 21 minutes 10 seconds West along the South line of said section for a distance of 1,353.53 feet to a point in Goodman Road; thence North 00 degrees 38 minutes 50 seconds West for a distance of 23.12 feet to a point in the North right-of-way of Goodman Road having a 1/4" rebar found 1.19 feet to the North being the True Point of Beginning for the herein described tract of land; thence South 89 degrees 02 minutes 06 seconds West for a distance of 145.27 feet to a right-of-way monument found in the North right-of-way of Goodman Road; thence South 89 degrees 25 minutes 50 seconds West for a distance of 342.33 feet to a 1/2" rebar set in the North right-of-way of Goodman Road; thence North 00 degrees 34 minutes 01 seconds West for a distance of 300.00 feet to a 1/2" rebar set; thence North 89 degrees 25 minutes 59 seconds East for a distance of 489.74 feet to a 1/2" rebar set; thence South 00 degrees 09 minutes 26 seconds East for a distance of 299.00 feet to a point to the True Point of Beginning and containing 146,525.7 square feet or 3.36 acres, more or less, being subject to all codes, regulations and restrictions, rights of way, and easements of record.

## TRACT 2

A legal description of a 86.60 acre, more or less, tract of land being located in parts of the Southwest and Northwest quarters of the Southeast quarter, part of the Northeast quarter of the Southwest quarter, and part of the Southeast quarter of Northeast quarter of Section 28, Township 1 South, Range 5 West, DeSoto County, Mississippi and being more particularly described as follows:

Commencing at the Southeast corner of Section 28, Township 1 South, Range 5 West; thence South 89 degrees 21 minutes 10 seconds West for a distance of 1,353.53 feet to a point in Goodman Road; thence North 00 degrees 38 minutes 50 seconds West for a distance of 23.12 feet to a point in the North right-of-way of Goodman Road having a 1/4" rebar found 1.19 feet to the North as well as being the Southeast corner of Tract 1; thence North 00 degrees 09 minutes 26 seconds West for a distance of 299.00 feet to a 1/2" rebar set being the Northeast corner of Tract 1 as well as being the True Point of Beginning for the herein described tract of land; thence South 89 degrees 25 minutes 59 seconds West for a distance of 489.74 feet to a 1/2" rebar set being the Northwest corner of Tract 1; thence South 00 degrees 34 minutes 01 seconds East for a distance of 300.00 feet to a 1/2" rebar set in the North right-of-way of Goodman Road being the Southwest corner of Tract 1; thence South 89 degrees 25 minutes 59 seconds West for a distance of 50.00 feet to a 1/2" rebar set in the North right-of-way of Goodman Road being the Southeast corner of Tract 3; thence North 00 degrees 34 minutes 01 seconds West for a distance of 300.00 feet to a 1/2" rebar set being the Northeast corner of Tract 3; thence South 89 degrees 25 minutes 59 seconds West for a distance of 489.74 feet to a 1/2" rebar set being the Northwest corner of Tract 3 as well as being in the East line of Tract 4; thence North 05 degrees 49 minutes 18 seconds East for a distance of 1,633.06 feet to a 1/2" rebar set in the South line of the Cummins property being the Northeast corner of Tract 4; thence South 89 degrees 43 minutes 44 seconds East for a distance of 882.50 feet to an old tree with wire found; thence North 00 degrees 08 minutes 15 seconds East for a distance of 340.65 feet to a 1/2" pipe found; thence North 00 degrees 40 minutes 49 seconds West for a distance of 453.50 feet to a 1/2" rebar and 1/2" iron found; thence North 02 degrees 42 minutes 47 seconds West for a distance of 354.18 feet to a 1/2" rebar set with a fence rail found 110.99 feet to the North; thence North 89 degrees 24 minutes 10 seconds East for a distance of 1,329.05 feet to a 1/2" rebar set in the East line of Section 28 having a fence intersection found 12.99 feet to the West; thence South 00 degrees 16 minutes 21 seconds East for a distance of 1,658.96 feet to a 1/2" rebar set in the East line of Section 28 having a 1/4" rebar found 10.40 feet to the East; thence South 89 degrees 39 minutes 56 seconds West for a distance of 599.78 feet to a 1" pipe found; thence South 89 degrees 28 minutes 15 seconds West for a distance of 311.59 feet to a 1/4" rebar found; thence South 89 degrees 26 minutes 22 seconds West for a distance of 439.48 feet to a 1/4" rebar found; thence South 00 degrees 09 minutes 26 seconds East for a distance of 1,102.48 feet to a point to the True Point of Beginning and containing 3,772,426 square feet or 86.60 acres, more or less, being subject to all codes, regulations and restrictions, rights of way, and easements of record.

# EXHIBIT A

## **TRACT 3**

A legal description of a 3.37 acre, more or less, tract of land being located in the Southwest quarter of the Southeast quarter of Section 28, Township 1 South, Range 5 West, DeSoto County, Mississippi and being more particularly described as follows:

Commencing at the Southeast corner of Section 28, Township 1 South, Range 5 West; thence South 89 degrees 21 minutes 10 seconds West for a distance of 1,353.53 feet to a point in Goodman Road; thence North 00 degrees 38 minutes 50 seconds West for a distance of 23.12 feet to a point in the North right-of-way of Goodman Road having a 1/4" rebar found 1.19 feet to the North as well as being the Southeast corner of Tract 1; thence South 89 degrees 02 minutes 06 seconds West for a distance of 145.27 feet to a right-of-way monument found; thence South 89 degrees 25 minutes 59 seconds West for a distance of 342.33 feet to a 1/2" rebar set in the North right-of-way of Goodman Road being the Southwest corner of Tract 1; thence continue westerly along said line, a distance of 50.00 feet to a 1/2" rebar set in the North right-of-way of Goodman Road to the True Point of Beginning for the herein described tract of land; thence continue westerly along said line, a distance of 489.74 feet to a 1/2" rebar set in the North right-of-way of Goodman Road; thence North 00 degrees 34 minutes 01 seconds West for a distance of 300.00 feet to a 1/2" rebar set in the East line of Tract 4; thence North 89 degrees 25 minutes 59 seconds East for a distance of 489.74 feet to a 1/2" rebar set; thence South 00 degrees 34 minutes 01 seconds East for a distance of 300.00 feet to a point to the True Point of Beginning and containing 146,920.7 square feet or 3.37 acres, more or less, being subject to all codes, regulations and restrictions, rights of way, and easements of record.

## **TRACT 4**

A legal description of a 15.00 acre, more or less, tract of land being located in parts of the Southwest and Northwest quarters of the Southeast quarter of Section 28, Township 1 South, Range 5 West, DeSoto County, Mississippi and being more particularly described as follows:

Commencing at the Southeast corner of Section 28; thence South 89 degrees 21 minutes 10 seconds West for a distance of 1,353.53 feet to a point in Goodman Road; thence North 00 degrees 38 minutes 50 seconds West for a distance of 23.12 feet to a point in the North right-of-way of Goodman Road having a 1/4" rebar found 1.19 feet to the North; thence South 89 degrees 02 minutes 06 seconds West for a distance of 145.27 feet to a right-of-way monument found; thence South 89 degrees 25 minutes 59 seconds West for a distance of 342.33 feet to a 1/2" rebar set in the North right-of-way of Goodman Road as well as being the Southwest corner of Tract 1; thence continue westerly along said line, a distance of 50.00 feet to a 1/2" rebar set in the North right-of-way of Goodman Road as well as being the Southeast corner of Tract 3; thence continue westerly along said line, a distance of 489.74 feet to a 1/2" rebar set being the Southwest corner of Tract 3 to the True Point of Beginning for the herein described tract of land; thence continue westerly along said line, a distance of 26.56 feet to a right-of-way monument found; thence North 88 degrees 54 minutes 02 seconds West for a distance of 133.49 feet to a right-of-way monument found; thence North 57 degrees 50 minutes 05 seconds West for a distance of 102.54 feet to a right-of-way monument found; thence North 01 degrees 27 minutes 37 seconds West for a distance of 300.45 feet to a right-of-way monument found; thence South 88 degrees 47 minutes 17 seconds West for a distance of 12.44 feet to a point in Payne Lane; thence North 00 degrees 52 minutes 09 seconds West for a distance of 1,589.87 feet to a 1/4" rebar found; thence South 89 degrees 43 minutes 44 seconds East for a distance of 453.41 feet to a 1/2" rebar set in the South line of the Cummins property being the Northwest corner of Tract 2; thence South 05 degrees 49 minutes 18 seconds West for a distance of 1,633.06 feet to a 1/2" rebar set being the Northwest corner of Tract 3; thence South 00 degrees 34 minutes 01 seconds East for a distance of 300.00 feet to a point to the True Point of Beginning and containing 653,400 square feet or 15.00 acres, more or less, being subject to all codes, regulations and restrictions, rights of way, and easements of record.